

RESOLUTION NO. 91-172

A RESOLUTION OF THE LODI CITY COUNCIL
ESTABLISHING DEVELOPMENT IMPACT MITIGATION FEES
FOR ALL DEVELOPMENTS WITHIN THE CITY OF LODI

WHEREAS, the Lodi City Council has adopted Ordinance No. 1518, creating and establishing the authority for imposing and charging Development Impact Mitigation Fees in the City of Lodi; and

WHEREAS, studies have been made and data gathered on the impact of contemplated future development on existing public facilities in the City of Lodi, along with an analysis of the need for new public facilities and improvements required by new development; and

WHEREAS, the relationship between new development, the needed facilities, and the estimated cost(s) of these improvements is included in the study entitled "Development Impact Fee Study" prepared by Nolte and Associates and Angus McDonald & Associates dated August 1991; and

WHEREAS, such information was available for public inspection and review 14 days prior to the public hearing; and

WHEREAS, the City Council finds that:

1. The purpose of these fees is to finance Water, Sewer, Storm Drainage, Streets, Police, Fire, Parks and Recreation, and General City facilities and to reduce the facility service impacts and related problems caused by new development within the City of Lodi;
2. The fees collected pursuant to this resolution shall be used to finance only the public facilities described or identified in said study;
3. After considering available information and data, and the testimony received at the public hearing, the Council approves said study and incorporates such study herein, and further finds that new development within the City of Lodi will generate additional impacts within the General Plan area and will contribute to the degradation of the existing facilities and the overall quality of life in that area;
4. There is a demand in this described impact area for such facilities which have not been constructed or have been constructed, but new development has not contributed its fair share toward these facility costs and said facilities have been called for in or are consistent with the City of Lodi's General Plan, and or appropriate Master Plans.
5. The facts and evidence presented establish that there is a reasonable relationship between the need for the described public facilities and the impacts of the types of development for which the corresponding fee is charged,

and, also there is a reasonable relationship between the fee's use and the type of development for which the fee is charged, as these reasonable relationships or nexus are in more detail described in the studies and data referenced above;

6. It is appropriate to establish the fees on a city-wide basis in order to construct facilities in a timely and cost-effective manner and reduce the demand for replacement of existing facilities in order to accommodate new development; except for those sewer lift stations needed to serve a specific area;
7. The cost estimates set forth in the Study are reasonable cost estimates for constructing these facilities, and the fees expected to be generated by new development will not exceed the total of such costs plus a finance charge where interfund borrowing is necessary to fund improvements in a timely manner;
8. The City has appropriated funds and established a Capital Improvement Program which includes the projects shown in the Study;

NOW, THEREFORE, IT IS RESOLVED by the Lodi City Council that:

1. DEFINITIONS.

The definitions contained in Ordinance 1518, Lodi Municipal Code Section 15.64.020, are hereby incorporated by reference as if fully set forth.

2. FEES.

The City Council hereby repeals Resolution 88-165 "Storm Drainage Fee", adopted December 21, 1988, and Resolution 89-186 "Amending Storm Drainage Fees", adopted December 20, 1989, and herein provides for a fee structure for public facilities as follows:

<u>FEE CATEGORY</u>	<u>FEE PER RESIDENTIAL ACRE EQUIVALENT (RAE)</u>
<u>City-Wide Fees</u>	
1. Water	\$ 5,710.00
2. Sewer	\$ 1,090.00
3. Storm Drainage	\$ 7,910.00
4. Streets	\$ 5,470.00
5. Police	\$ 1,110.00
6. Fire	\$ 520.00
7. Parks and Recreation	\$11,980.00
8. General City Facilities	\$ 6,380.00
<u>Supplemental Specific Area Fees</u>	
A. Kettleman Lane Lift Station	\$ 1,610.00
B. Harney Lane Lift Station	\$ 830.00
C. Cluff Avenue Lift Station	\$ 1,170.00

The Kettleman Lane Lift Station area consists of approximately 102 acres bounded on the south by the north right-of way of Kettleman lane (State Highway 12); on the east by the west line of the Woodbridge Irrigation District Canal right-of-way; on the north by the south line of the Woodbridge Irrigation District Canal right-of-way

and the quarter-quarter Section Line north of Kettleman Lane and on the west by the property line located approximately 1185 feet east of the centerline of Lower Sacramento Road, plus the area of Tract No. 2378, Sunwest Unit No. 12 as filed for record in Book 30, Maps and Plats at page 52, San Joaquin County records, all as shown on Exhibit A.

The Harney Lane Lift Station area consists of approximately 292 acres bounded on the south by the north right-of-way of Harney Lane; on the east by the west line of the Woodbridge Irrigation District; on the north, east of Lower Sacramento Road by the quarter-quarter Section Line north of Harney Lane, and west of Lower Sacramento Road by the property line located approximately 2300 feet north of the center line of Harney Lane; and on the west by the General Plan Boundary, approximately 1/2 mile west of Lower Sacramento Road as shown on Exhibit B.

The Cluff Avenue Lift Station area consists of approximately 158 acres bounded on the south by the right-of-way of the Southern Pacific Transportation Company (SPT) tracks along Victor Road (State Highway 12); on the east by the right-of-way of the Central California Traction Company (CCT); on the north by the Mokelumne River and on the west by the property lines approximately one-eighth mile west of the centerline of Guild Avenue; plus the 7.7 acre parcel located east of the CCT and north of the SPT shown as Parcel A per the Parcel Map filed for record in Book 11 of Parcel Maps at page 73 San Joaquin County Records.

3. CALCULATION OF FEE.

Development Impact Mitigation Fees shall be calculated by the Public Works Director in accordance with Chapter 15.64 of the Lodi Municipal Code and this resolution.

The project acreage shall exclude portions of property left vacant and not to be used for storage, parking, or other uses related to the project. Where the project adds to or incorporates existing buildings or improvements, the acreage shall be adjusted by the Public Works Director to account for this existing use. For purposes of this section, "existing" shall mean any building or improvement which is in existence or for which a permit has been obtained upon the effective date of this resolution.

Where projects include a change in land use categories, the appropriate difference in RAE factors shall be computed by the Public Works Director. Where the project results in a less intensive land use involving a lower RAE factor, a fee credit in lieu of a refund shall be made. Record of the previous higher RAE factor shall be maintained by the Public Works Director for that parcel for a period of time not to exceed ten years and shall, during that time, be applied toward future improvements on that parcel.

4. EFFECTIVE DATE

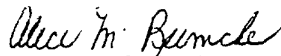
The Development Impact Fees adopted in this Resolution shall take effect 60 days after adoption. For projects in which an agreement and memorandum of understanding for public improvement fees has been executed and a final map or building permit has been approved, such fees shall be due and payable thirty days after the above effective date or thirty days after billing by the City, whichever is later.

I hereby certify that Resolution No. 91-172 was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 4, 1991, by the following vote:

Ayes: Council Members - Pennino, Sieglock, Snider and Hinchman (Mayor)

Noes: Council Members - Pinkerton

Absent: Council Members - None


Alice M. Reimche
City Clerk

91-172

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